

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, FEBRUARY 7, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins

Commissioners Absent: Deb Schorr, Chair
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk

The Board of Commissioners meeting was called to order at 1:30 p.m..

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, January 31, 2006.**

MOTION: Heier moved and Hudkins seconded approval of the minutes of the Board of Commissioners meeting dated January 31, 2006. Hudkins, Workman and Heier voted aye. Motion carried.

- 2) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Angie Early for her services in the Mayor's Office.

B. A one time cash award, in the amount of \$350, for Tina Holland, an employee with Lancaster Manor, due to exceptional circumstances.

MOTION: Hudkins moved and Heier seconded approval of a one time cash award, in the amount of \$350, for Tina Holland, an employee with Lancaster Manor, due to exceptional circumstances. Heier, Workman and Hudkins voted aye. Motion carried.

2) SPECIAL PRESENTATIONS CONTINUED:

C. The Annual Commissioners' Award of Excellence for 2005 was presented to the team of Gerald Hauder and Todd Styskal with the Corrections Department.

D. The Annual Honorable Mention Commissioners' Award of Excellence for 2005 was presented to Shawn Oglesby with the Youth Services Center and Deputy Gregory Goodwater with the Sheriff's Office.

3) CLAIM FOR REVIEW:

A. A payment voucher, dated December 30, 2005 - Human Services has requested payment to Field's Floral, in the amount of \$34.24, for a floral arrangement.

MOTION: Heier moved and Hudkins seconded denial of a payment voucher, dated December 30, 2005 from Human Services requesting payment to Field's Floral, in the amount of \$34.24, for a floral arrangement. Heier, Workman and Hudkins voted aye. Motion carried.

4) CLAIMS: Approval of all claims processed through Tuesday, February 7, 2006.

MOTION: Heier moved and Hudkins seconded approval of all claims processed through February 7, 2006. Heier, Workman and Hudkins voted aye. Motion carried.

5) PUBLIC HEARINGS:

A. County Final Plat No. 05094, Wyndam Place 2nd Addition, requested by Brian D. Carstens and Associates on behalf of Bernie and Connie Heier, for two lots and one outlot, on property generally located at North 176th and Holdrege Streets, and more specifically Knotting Drive and North 179th Street in Lancaster County, Nebraska will be reconvened on Tuesday, February 7, 2006 at 1:30 p.m. in the Commissioners Hearing Room, Room 112, on the first floor of the County-City Building. (See Old Business Items 6A and 6B for correlating documentation.)

5) **PUBLIC HEARINGS CONTINUED:**

Heier stated he would be declaring a conflict of interest regarding Public Hearing Item 5A and Old Business Items 6A and 6B.

The Vice Chair reconvened the public hearing.

Kent Seacrest, attorney representing applicants, indicated they had requested the item be placed on pending to address recent concerns. Seacrest distributed a new site plan (Exhibit 1) which would reduce one 20-acre lot to 4.8 acres and would abut Holdrege Street. He added because of the new site plan they would need to apply for an administrative amendment to the community unit plan (CUP) and they would resubmit the final plat showing the 4.8-acre lot. As a result, Seacrest stated, he would be requesting the item be placed on pending.

Hudkins asked if the character of Outlot F, where the pond is located, would change.

Seacrest responded no and referred to the covenants stating the development has no access to Outlots A and B where the lake is located.

The Vice Chair asked if anyone else wished to provide testimony.

Jeff Bassford, 7224 Twin Oaks Road, Lincoln, Nebraska, appeared and stated he has attempted to purchase one of the two lots (Lot 2, Block2). He stated there are two other contiguous lots (Lots 7 and 8, Block 3) in the subdivision which remain unsold and asked that consideration be given to combining those lots rather than the two currently proposed.

Seacrest stated he was not aware of Bassford's suggestion and that he would visit with him regarding the proposal.

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

5) **PUBLIC HEARINGS CONTINUED:**

B. County Change of Zone No. 05079, from AG Agricultural District to AGR Agricultural Residential District, requested by Lyle Loth of ESP on behalf of Alan Baade, on property generally located northwest of South 82nd Street and Roca Road in Lancaster County, Nebraska. (Hearing will be continued to February 28, 2006 at the request of applicant.)

C. County Preliminary Plat No. 05017, Red Cedar Ridge, requested by Lyle Loth of ESP on behalf of Alan Baade, owner, on property generally located northwest of South 82nd Street and Roca Road in Lancaster County, Nebraska. (Hearing will be continued to February 28, 2006 at the request of applicant.)

Board consensus was to hear Public Hearing Items 5B and 5C together.

The Vice Chair opened the hearings and asked if anyone wished to provide testimony.

No one appeared and the hearings were recessed until Tuesday, February 28, 2006 at 1:30 p.m. at the request of the applicant.

D. A proposed resolution requiring the inspection of existing wells and on-site wastewater treatment systems prior to the sale of property. (See New Business Item 7A for correlating resolution.)

The Vice Chair opened the public hearing.

Scott Holmes, Division Manager of Environmental Health with the Lincoln-Lancaster County Health Department, and John Chess, Environmental Health Supervisor, appeared.

Holmes briefly outlined the proposed resolution which would create a requirement for the inspection of properties with private wells or private on-site wastewater treatment systems prior to sale. He stated the reason the resolution was proposed was because there are public health risks and environmental resource damage risks posed by systems which aren't functioning properly within the County. Holmes added that there would be a visual inspection of the well, as well as water testing and a review of failures of septic systems.

5) **PUBLIC HEARINGS CONTINUED:**

Holmes also addressed the proposed fee of \$100 for work conducted by the Health Department noting there would be no need for additional staffing.

Chess outlined the process which led to the proposed resolution noting that they received input from various individuals in the real estate industry.

Discussion followed regarding the reduction of the Health Department's fee of \$100.

Also discussed were concerns outlined in a letter from the Realtors Association, dated February 6, 2006 (Exhibit 2), regarding exempt transfer of ownership between family members, Health Department fee, waiver of certain elements of inspection due to inclement weather and permit systems newer than five years.

The Vice Chair asked if anyone else wished to provide testimony.

Doug Rotthaus with the Realtors Association of Lincoln appeared in opposition and briefly reviewed suggested changes as outlined in their letter dated February 6, 2006 (see Exhibit 2).

Stan Kroesk, President of the Nebraska On-Site Wastewater Association, appeared in support of the proposed resolution.

***CLERK'S NOTE:** The hearing was recessed at 2:37 p.m. to proceed to New Business Items 7B, 7F and 7H through 7O, after which Commissioner Heier exited the Hearing Room at 2:43 p.m.. The public hearing resumed at 2:43 p.m..

Joe Holly, former president of the Nebraska Well Drillers Association, appeared in support of the proposed resolution.

The Vice Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was recessed.

6) **OLD BUSINESS:**

A. A resolution in the matter of County Final Plat No. 05094: Wyndam Place 2nd Addition, consisting of two lots and one outlot on property generally located at North 176th and Holdrege Streets, and more specifically Knotting Drive and North 179th Street, in Lancaster County, Nebraska. (R-05-0152)

6) **OLD BUSINESS CONTINUED:**

- B. A subdivision agreement with Bernie and Connie Heier, for County Final Plat No. 05094, Wyndam Place 2nd Addition, on property generally located at North 176th and Holdrege Streets, more specifically Knotting Drive and North 179th Street in Lancaster County, Nebraska. (C-05-0575)**

Old Business Items 6A and 6B were heard together.

MOTION: Hudkins moved and Workman seconded to place Resolution R-05-0152 and Subdivision Agreement No. C-05-0575 regarding County Final Plat No. 05094, Wyndam Place 2nd Addition on pending. Workman and Hudkins voted aye. Heier abstained from voting. Motion carried.

7) **NEW BUSINESS:**

- A. A resolution in the matter of adopting procedures for the inspection of on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer or conveyance of property in Lancaster County, Nebraska. (R-06-0005)**

This item was held.

- B. An application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for Beta Theta Fraternity in connection with the Alumni Founders Day event to be held on Saturday, February 25, 2006 from 8 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street in Lancaster County, Nebraska.**

MOTION: Heier moved and Hudkins seconded approval of an application for a Special Designated License from Ken's Liquor, Inc. to provide liquor beverage service for Beta Theta Fraternity in connection with the Alumni Founders Day event to be held on Saturday, February 25, 2006 from 8 p.m. to 1 a.m. at Country Pines located at 6305 West Adams Street in Lancaster County, Nebraska. Hudkins, Heier and Workman voted aye. Motion carried.

7) NEW BUSINESS CONTINUED:

- C. A grant contract with the Rape Spouse Abuse Crisis Center to provide funding for the community-driven initiatives to address violence against women among diverse and traditionally under served populations while strengthening legal advocacy services for victims of domestic violence and dating violence, including assistance to such victims in immigration matters, in the amount of \$45,619. Term of the grant contract is January 1, 2006 to December 31, 2006. (C-06-0039)

This item was held.

- D. A grant contract with the Malone Community Center for management of the Drug Education for Youth (DEFY) Project, in the amount of \$10,000. Term of the grant contract is July 1, 2005 to June 30, 2006. (C-06-0040)

This item was held.

- E. An agreement with Murphy Tractor and Equipment Company, Inc. for three motor graders complete with trade-in allowance for the County Engineer, in the amount of \$423,552. Murphy Tractor will pay for all costs of repair, including parts and labor, in excess of \$5,500 per unit during the next seven years and the guaranteed repurchase of \$83,000 per motor grader after seven years. (C-06-0041)

This item was held.

- F. An agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steven McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the special election on February 14, 2006. The agreement will commence upon execution by both parties and will continue until February 17, 2006. The County will pay \$31 per polling location for the delivery services. (C-06-0042)

MOTION: Hudkins moved and Heier seconded approval of an agreement between Lancaster County, on behalf of the Lancaster County Election Commissioner, and Steven McClatchey for the delivery of voting machines and other miscellaneous equipment to several polling locations for the special election on February 14, 2006. Workman, Hudkins and Heier voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

- G. Utility Permit No. 792 allowing the City of Lincoln to construct a 16 inch water line on the east side of South 40th Street from Yankee Hill Road to Rokeby Road. (C-06-0043)**

This item was held.

- H. A Federal Equitable Sharing agreement between the Federal government and the Lancaster County Attorney's Office for participation in the equitable sharing program and restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned. The agreement is valid through September 30, 2008. (C-06-0044)**

MOTION: Heier moved and Hudkins seconded approval of a Federal Equitable Sharing agreement between the Federal government and the Lancaster County Attorney's Office for participation in the equitable sharing program and restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned. Workman, Hudkins and Heier voted aye. Motion carried.

- I. A contract with Wagey Drug Company, Inc. for annual requirements for pharmacy services for the Lancaster County General Assistance program. (C-06-0046)**

MOTION: Heier moved and Hudkins seconded approval of a contract with Wagey Drug Company, Inc. for annual requirements for pharmacy services for the Lancaster County General Assistance program. Heier, Workman and Hudkins voted aye. Motion carried.

- J. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Sealcoat Services, Inc. d/b/a SCS Construction Company, in the amount of \$22,400, for crack sealing of roadways at various locations within Lancaster County. (B-06-0005)**

MOTION: Heier moved and Hudkins seconded approval to award a bid to Sealcoat Services, Inc. d/b/a SCS Construction Company, in the amount of \$22,400, for crack sealing of roadways at various locations within Lancaster County as recommended by the Purchasing Agent and the County Engineer. Heier, Workman and Hudkins voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

K. Recommendation from the Purchasing Agent and the County Engineer to award a bid to Brandt Excavating, in the amount of \$136,407.19, for erosion control at box culverts and bridges as specified by the County Engineer. (B-06-0006)

MOTION: Hudkins moved and Heier seconded approval to award a bid to Brandt Excavating, in the amount of \$136,407.19, for erosion control at box culverts and bridges as specified by the County Engineer as recommended. Heier, Workman and Hudkins voted aye. Motion carried.

L. Request from the Lancaster County Personnel Policy Board for the following:

- ▶ **Creation of Risk Management Specialist classification at a proposed pay grade of \$31,767.84 to \$41,454.40 (E18)**
- ▶ **Change the pay grade of Publication and Resource Assistant classification to a proposed pay grade of \$28,912 to \$37,918.40 (C16).**

MOTION: Hudkins moved and Heier seconded approval of a request from the Lancaster County Personnel Policy Board to create the Risk Management Specialist classification at a proposed pay grade of \$31,767.84 to \$41,454.40. Hudkins, Heier and Workman voted aye. Motion carried.

M. A political subdivision tort claim filed against the Corrections Department by Daniel Shandrew for lost property, in an unknown amount.

MOTION: Heier moved and Hudkins seconded denial of a political subdivision tort claim filed against the Corrections Department by Daniel Shandrew for lost property, in an unknown amount. Workman, Heier and Hudkins voted aye. Motion carried.

N. A political subdivision tort claim filed against Lancaster Manor by Jose and Marilyn Reguerira for lost property, in the amount of \$50 to \$70.

MOTION: Hudkins moved and Heier seconded denial of a political subdivision tort claim filed against Lancaster Manor by Jose and Marilyn Reguerira for lost property, in the amount of \$50 to \$70. Heier, Hudkins and Workman voted aye. Motion carried.

7) **NEW BUSINESS CONTINUED:**

O. Appointment of Rev. Wayne Reynolds to the Keno Human Services Prevention Fund Advisory Board to fulfill the unexpired term of Tina Fardella which expires July, 2007.

MOTION: Heier moved and Hudkins seconded approval of the appointment of Rev. Wayne Reynolds to the Keno Human Services Prevention Fund Advisory Board to fulfill the unexpired term of Tina Fardella which expires July, 2007. Workman, Hudkins and Heier voted aye. Motion carried.

8) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. County Clerk's Monthly Report for January, 2006.
2. Lancaster Manor's Monthly Report.
3. Sheriff's Report of Fees for December, 2005.

B. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Joseph A. Mara, in the amount of \$3,229, on West "A" Street from Southwest 84th Street to the Burlington Northern Sante Fe Railroad; Project C55-M-405(1). (C-06-0045)

Consent Item 8A and 8B were held.

9) **ADJOURNMENT:**

By direction of the Vice Chair, the Board of Commissioners was adjourned at 2:58 p.m..

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 1, 2006
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Bob Workman, Vice Chair
Bernie Heier
Larry Hudkins

Commissioners Absent: Deb Schorr, Chair
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk

The Board of Equalization was not held due to lack of a quorum.

- 1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 1, 2006.**

This item was held.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 8 additions and deductions to the tax assessment rolls per Attachment "A".

This item was held.

3) MOTOR VEHICLE TAX EXEMPTIONS:

Developmental Services of Nebraska, Inc.

This item was held.

Bruce Medcalf
County Clerk